

The personal computer is a very useful invention. It has developed from almost nothing during the last 25 years or so into a communication tool used worldwide for every conceivable purpose, and has spawned an industry worth perhaps \$600 billion annually. This tool, and this industry, has developed as rapidly as it has with little government regulation. It is precisely because of this relative lack of constraint that entrepreneurs have been free to undertake many experiments. Large amounts of money have been made, and lost. It is an industry in which the individual can still contribute; progress can still be made by an individual working at home. One person can invent a better program, or a better piece of hardware. These efforts contribute to the further development of the computer as a communication tool and of the many industries which depend upon it. They contribute in a very large way to the future prosperity of our country.

It is proposed by the entertainment industry that computers be required to be modified (crippled) in a way that will supposedly protect their rights, and that it be made illegal to remove, work around, or otherwise defeat this crippling. It is assumed that all computer users will use their computers to steal their content, that it is not possible to offer content that people will be willing to buy instead of steal, and that the only way to protect their rights is to severely limit the uses people can make of their computers, and to create egregious penalties for failure to accept these limitations. This is analogous to saying that since automobiles are sometimes used in bank robberies, they should be equipped with GPS systems that will turn off the engine whenever the car gets within 500 yards of a bank, and that there is no other way to resolve the problem of bank robberies. Whatever happened to "Innocent until proven guilty?" Whatever happened to the right to innovate? Whatever happened to the right to private enjoyment of legitimately purchased possessions - computers, DVDs, automobiles, or anything else?

If these regulations are passed, if only crippled computers are allowed in the United States, then innovation will go elsewhere. The technological developments which might have happened here, and the wealth that they would have generated, will still take place, but they will take place in Asia or Europe or South America instead, and people in the United States will want to know why other people have computers that do things which theirs cannot do, and why federal agents care about how they use their computers. Doesn't the government have enough unsolved problems (defense/homeland security, disease control, crime, poverty, the economy, etc.) without creating another by criminalizing the activities of computer hobbyists? Is protecting the rights of the entertainment industry, using the method developed by the entertainment industry using a closed process controlled by the entertainment industry, important enough to jeopardize the future of a \$600 billion industry? Might there not be another solution, or ten other solutions, which would meet the needs which the entertainment industry has? If other groups were allowed to participate in solving the problem, might it be possible to find a solution which would meet everyone's needs?

I watch occasional movies, and I listen to occasional CDs. All the movies and music I have I have either purchased legitimately or offered free by the artist. I resent the assertion of the entertainment industry that I will steal their content with my computer unless this is made technologically impossible. I will not steal their content with my

computer; I will buy it if I want it, or do without. In return, I want to continue to be free to use my computer as I see fit. I urge you to reject this "broadcast flag" proposal, and if there is a legitimate need for federal regulations in this area, to develop them using an open process in which every interested party (technologists, the entertainment industry, video amateurs, educators, civil rights organizations, ordinary citizens) is able to participate. Any regulation designed to protect the rights of the entertainment industry must also preserve the freedom of all citizens to innovate and protect the rights of the ordinary citizen to freely use their computers. The provision of the "broadcast flag" regulations which allow only "video professionals" to have unfettered computers is particularly offensive. Is it only Hollywood which can develop video? Why shouldn't an ordinary person be able to do so, if he or she has the desire and can purchase, or invent, the equipment? Must we have a caste society? "Video professionals" with fully capable computers, and the rest of us with whatever the "video professionals" choose to allow us to have? Might the next great film director be someone who is experimenting with digital video on his or her home PC, somewhere, now? How much of the future are we willing to foreclose to protect the supposed "rights" of one industry?

In conclusion, please do not adopt the "broadcast flag" regulations in their current state. They will do harm to an entire industry, and to many innocent people, for the benefit of a few. This is wrong.

Sincerely - Peter C. Sweet

-----=_NextPart_000_0007_01C29CB0.3149EA20

Content-Type: text/html;

charset="iso-8859-1"

Content-Transfer-Encoding: quoted-printable

<!DOCTYPE HTML PUBLIC "-//W3C//DTD HTML 4.0 Transitional//EN">

<HTML><HEAD>

<META http-equiv=3DContent-Type content=3D"text/html;
charset=3Diso-8859-1">

<META content=3D"MSHTML 5.50.4919.2200" name=3DGENERATOR>

<STYLE></STYLE>

</HEAD>

<BODY bgColor=3D#ffffff>

<TABLE>

<TBODY>

<TR>

<TD><PROCEEDING></TD>

<TD>02-230</TD></TR>

<TR>

<TD><DATE></TD>

<TD>12/5/02</TD></TR>

<TR>

<TD><NAME></TD>

<TD>Peter Sweet</TD></TR>

<TR>

<TD><ADDRESS1></TD>

<TD>4318 - 15th Avenue NE</TD></TR>

<TR>

<TD><ADDRESS2></TD>

<TD></TD></TR>

<TD><CITY></TD>
<TD>Olympia</TD></TR>
<TD><STATE></TD>
<TD>WA</TD></TR>
<TD><ZIP></TD>
<TD>98516</TD></TR>
<TD><LAW-FIRM></TD>
<TD></TD></TR>
<TD><ATTORNEY></TD>
<TD></TD></TR>
<TD><FILE-NUMBER></TD>
<TD></TD></TR>
<TD><DOCUMENT-TYPE></TD>
<TD>CO</TD></TR>
<TD><PHONE-NUMBER></TD>
<TD>360-459-8167</TD></TR>
<TD><DESCRIPTION></TD>
<TD>Email Comment</TD></TR>
<TD><CONTACT-EMAIL></TD>
<TD>jdoe@commercial.com</TD></TR></TBODY></TABLE>

<TEXT></DIV>

 </DIV>

</DIV>

The personal computer is a very useful invention. It has developed from almost nothing during the last 25 years or so into a communication tool used worldwide for every conceivable purpose, and has spawned an industry worth perhaps \$600 billion annually. This tool, and this industry, has developed as rapidly as it has with little government regulation. It is precisely because of this relative lack of constraint that entrepreneurs have been free to undertake many experiments. Large amounts of money have been made, and lost. It is an industry in which the individual can still contribute; progress can still be made by an individual working at home. One person can invent a better program, or a better piece of hardware. These efforts contribute to the further development of the computer as a communication tool and of the many industries which depend upon it. They contribute in a very large way to the future prosperity of our country.</P>

It is proposed by the entertainment industry that computers be

required to be modified (crippled) in a way that will supposedly protect their rights, and that it be made illegal to remove, work around, or otherwise defeat this crippling. It is assumed that all computer users will use their computers to steal their content, that it is not possible to offer content that people will be willing to buy instead of steal, and that the only way to protect their rights is to severely limit the uses people can make of their computers, and to create egregious penalties for failure to accept these limitations. This is analogous to saying that since automobiles are sometimes used in bank robberies, they should be equipped with GPS systems that will turn off the engine whenever the car gets within 500 yards of a bank, and that there is no other way to resolve the problem of bank robberies. Whatever happened to "Innocent until proven guilty?" Whatever happened to the right to innovate? Whatever happened to the right to private enjoyment of legitimately purchased possessions - computers, DVDs, automobiles, or anything else?

If these regulations are passed, if only crippled computers are allowed in the United States, then innovation will go elsewhere. The technological developments which might have happened here, and the wealth that they would have generated, will still take place, but they will take place in Asia or Europe or South America instead, and people in the United States will want to know why other people have computers that do things which theirs cannot do, and why federal agents care about how they use their computers. Doesn't the government have enough unsolved problems (defense/homeland security, disease control, crime, poverty, the economy, etc.) without creating another by criminalizing the activities of computer hobbyists? Is protecting the rights the the entertainment industry, using the method developed by the entertainment industry using a closed process controlled by the entertainment industry, important enough to jeopardize the future of a \$600 billion industry? Might there not be another solution, or ten other solutions, which would meet the needs which the entertainment industry has? If other groups were allowed to participate in solving the problem, might it be possible to find a solution which would

meet
everyone's needs?</P>
<P>I watch occasional movies, and I listen to occasional CDs. All the
movies and
music I have I have either purchased legitimately or offered free by the
artist.
I resent the assertion of the entertainment industry that I will steal
their
content with my computer unless this is made technologically impossible.
I will
not steal their content with my computer; I will buy it if I want it, or
do
without. In return, I want to continue to be free to use my computer as
I see
fit. I urge you to reject this "broadcast flag" proposal, and if there
is a
legitimate need for federal regulations in this area, to develop them
using an
open process in which every interested party (technologists, the
entertainment
industry, video amateurs, educators, civil rights organizations,
ordinary
citizens) is able to participate. Any regulation designed to protect the
rights
of the entertainment industry must also preserve the freedom of all
citizens to
innovate and protect the rights of the ordinary citizen to freely use
their
computers. The provision of the "broadcast flag" regulations which allow
only
"video professionals" to have unfettered computers is particularly
offensive. Is
it only Hollywood which can develop video? Why shouldn't an ordinary
person be
able to do so, if he or she has the desire and can purchase, or invent,
the
equipment? Must we have a caste society? "Video professionals" with
fully
capable computers, and the rest of us with whatever the "video
professionals"
choose to allow us to have? Might the next great film director be
someone who is
experimenting with digital video on his or her home PC, somewhere, now?
How much
of the future are we willing to foreclose to protect the supposed
"rights" of
one industry?</P>
<P>In conclusion, please do not adopt the "broadcast flag" regulations
in their
current state. They will do harm to an entire industry, and to many
innocent
people, for the benefit of a few. This is wrong.</P>
<P>Sincerely - Peter C. Sweet</P></DIV></BODY></HTML>

-----_NextPart_000_0007_01C29CB0.3149EA20--